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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ST. GEORGE et al.

) Examiner: Unknown

Application Serial No.: 10/673,936

)

) Group Art Unit: 3764

Filing Date: September 29, 2003

)

) Docket No.: O01.005

For: SKIPPING ROPE OR JUMP ROPE HAVING
IMPROVED ASYMMETRIC HANDLE

)

) PTO Customer Number 28062

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR 1.8
I hereby certify that this correspondence is being deposited with the
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2005.

Dated: August 18, 2005

By:

Edith Martin

**RENEWED PETITION UNDER 37 CFR 1.137(b),
(In response to the Petition Decision (mailed June 22, 2005))**

Sir:


This is a response to the Petition Decision of June 22, 2005 in the above-identified application, in which the Applicant's petition to revive was DISMISSED. In particular, Applicants' petition was dismissed as lacking a proper declaration. Applicants do not necessarily agree that the previously submitted declaration was deficient; however, to advance the case, Applicants submit herewith a new declaration. Applicants respectfully request reconsideration of the petition previously filed on April 28, 2005 and revival of the above-identified application. Enclosed herewith are:

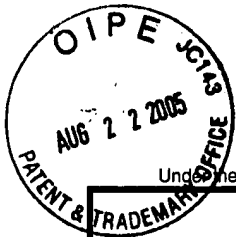
1. Copy of the Petition Decision of June 22, 2005; and
2. Copy of Applicants' declaration.

The required fees were paid and submitted in conjunction with Applicants' original petition. As such, no additional fees are believed due in conjunction with this renewed petition. However, the Commissioner is hereby authorized to charge and credit Deposit Account No. 50-1852 for any fees due.

Respectfully submitted,

August 18, 2005
Date


Kurt M. Maschoff
Registration No. 38235
Buckley, Maschoff & Talwalkar LLC
Five Elm Street
New Canaan, CT 06840
(203) 972-0081



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/673,936	
	Filing Date	September 29, 2003	
	First Named Inventor	St. George, David	
	Art Unit	3764	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	7	Attorney Docket Number	O01.005

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Renewed Petition under 37 CFR 1.137(b) (In response to the Petition Decision mailed 06/22/05)	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Declaration and Power of Attorney Form	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Petition Decision and Acknowledgement Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Buckley, Maschoff & Talwalkar LLC		
Signature			
Printed name	Kurt M. Maschoff		
Date	August 18, 2005	Reg. No.	38,235

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Edith Martin	Date	August 18, 2005

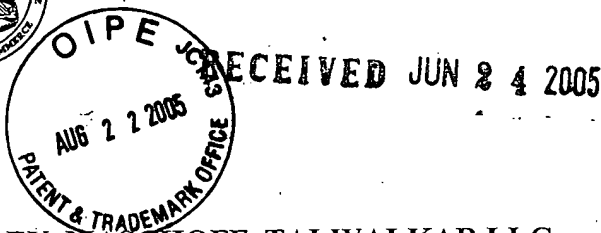
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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BUCKLEY, MASCHOFF, TALWALKAR LLC
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JUN 22 2005

OFFICE OF PETITIONS

In re Application of
St. George et al.
Application No. 10/673,936
Filed: September 29, 2003
Attorney Docket No. 001.005

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 2, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed January 9, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 10, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition² under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

Buckley, Maschoff, Talwalkar & Allison LLC

Date Received: 6/24/05
Matter No.: 001/005 Atty: KLMM
Items Docketed: Petition for Revival
DISMISSED

Initials: MA

The instant petition lacks item (1). The declaration submitted with the instant petition appears to be the same declaration submitted previously upon filing of the application. Accordingly, it still does not comply with 37 CFR 1.63, as stated in the Notice mailed on January 9, 2004, in that it does not identify the residence (e.g., city or either state or foreign country of each inventor) and it does not identify the complete mailing or post office address of each inventor. A declaration, which complies with the above, should be submitted to revive the above-identified application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.



Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy